IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

Crl.Rev.Pet.No. 16 of 2000

CRA.85/1996 of SESSIONS COURT, THODUPUZHA
CC.74/1995 of JUDL. MAGISTRATE OF FIRST CLASS COURT, KATTAPPANA

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REVN. PETITIONERS:
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1. RADHA, W/O. RAMESAN, KOCHANATTIL HOUSE
KONGINIPADAVU BHAGOM,
VELLYAMKUDI KARA, KATTAPPANA.

2. KUMARI D/O. CHANDRAN, KOCHANATTIL HOUSE,
KONGINIPADAVU BHAGOM, VELLAYAMKUDI KARA
KATTAPPANA.

3. RAMESAN, KOCHANATTIL HOUSE,
-DO ---DO-

BY ADV. SRI.RAJU JOSEPH

RESPONDENTS:
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1. JAINAMMA, D/O. UNNI, KUNNEL HOUSE,
KONGINIPADAVU BHAGAM,
VELLAYAMKUDI KARA
KATTAPPANA VILLAGE.

2. STATE OF KERALA REPRESENTED BY S.I.OF POLICE
KATTAPPANA IN CRIME NO. 70/92.

BY ADV. SRI.C.C.THOMAS
R2 BY PUBLIC PROSECUTOR MR. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO. 70/2000 IN CRL.R.P.NO. 16 OF 2000

DISMISSED.

19-3-2007 **SD/-K.R.UDAYABHANU, JUDGE**

TRUE COPY

P.S.TO JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.16 OF 2000

DATED THIS THE19TH DAY OF MARCH 2007

ORDER

The revision petitioners are the accused who stands convicted for the offence under Sections 323 and 324 read with Section 34 of the Indian Penal Code. A1 and A2 are convicted and sentenced to pay a fine of Rs.500/- each and A3 is convicted and sentenced to undergo simple imprisonment for three months and to pay a fine of Rs.500/- and in default to undergo simple imprisonment for one month. Counsel for the revision petitioner has only sought for modification of the sentence considering the fact that the incident has taken place in February 1992.

2. I find that so far as the sentence to pay fine by A1 and A2 are concerned, no interference is called for. Considering the fact that A3 has been facing prosecution so long it is appropriate to modify the sentence to imprisonment till the rising of the court and to pay a compensation of Rs.7500/- to PW1, the injured, vide Section 357(3)Cr.P.C.and in default to

undergo simple imprisonment for three months. The revision petitioner is granted three months time to pay the amount of compensation. The 3rd revision petitioner shall appear before the Judicial First Class magistrate, Kattappana on 20-6-2007 to receive sentence Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.

K.R.UDAYABHANU, J

CRL.R.P.NO.16 of 2000

ORDER

19-3-2007